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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 6445 OF 2007**

Vijay Parshuram Rasalkar ... Petitioner

V/s

Kalyan Dombivali Municipal Corpn.& anr. ... Respondents

Mr. Y.M.Pendse for the petitioner.

Mr. A.S.Rao for the respondents.

**CORAM: SMT. NISHITA MHATRE, J.**

**DATED: 5TH SEPT., 2007.**

**P.C.**:

1. The petitioner has challenged the order of the Industrial Court in Complaint (ULP) No.259 of 2006. The complaint has been filed under Items 5 and 9 of Schedule IV of the M.R.T.U. & P.U.L.P. Act. The application for interim relief filed by the petitioner has been rejected by the Industrial Court.

2. Today, the main grievance of the petitioner appears to be that, although he was appointed as a Mazdoor and was assigned the work of a Clerk, he is now being asked to work as a Safai Kamgar. He has been asked to clean manholes, according to the petitioner.

3. In my view, if the petitioner has been appointed as Mazdoor, he cannot be directed to work as a Safai Kamgar. Admittedly, the work of cleaning of the drainage system is of the Safai Kamgar and not of a Mazdoor. Therefore, the respondent Corporation shall not, during the pendency of the complaint, assign the work of a Safar Kamgar to the petitioner. He shall not be asked to work in the manholes.

4. The Industrial Court, while disposing of the complaint on merits shall do so uninfluenced by the interim order that it has passed.

5. Petition disposed of accordingly.

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